

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

AMANDA WILLIAMS,

Plaintiff,

vs.

No. 2:19-CV-00905-KRS

ANDREW M. SAUL, Commissioner of  
Social Security Administration,

Defendant.

**ORDER**

Plaintiff's Stipulated Motion for Fees Under the Equal Access to Justice Act (EAJA) is GRANTED.

Defendant shall pay Plaintiff \$4,750.00 in attorney fees. Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. However, the EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1)(2006).

Under *Astrue v. Ratiff*, 130 S.Ct 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B)(2006)). This Court therefore orders the EAJA fees to be paid to Plaintiff. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines the Plaintiff has properly assigned her right to EAJA fees to her attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program; and (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset Program, the

Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney.



THE HONORABLE KEVIN R. SWEAZE  
United States Magistrate Judge

**Respectfully Submitted:**

/s/ Jaime F. Rubin

**JAIME F. RUBIN, Esq.**

Attorney for **Amandia Williams**

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**Approved by:**

Approved via e-mail February 23, 2021

**ALLAN D. BERGER**

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